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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

IN RE:

REBEKAH S DANIELS

Debtor

**CHAPTER 13
CASE NO. 22-50021**

**TRUSTEE'S OBJECTION TO CONFIRMATION, MOTION TO DISMISS OR CONVERT,
AND REQUEST FOR DOCUMENTS AND AMENDMENTS**

COMES NOW the Chapter 13 Trustee, and (i) submits this request for documents and amendments from the Debtor(s) following the meeting of creditors, and (ii) objects to confirmation of the Plan filed on 2/21/22 and (iii) moves to dismiss or convert this case unless all of the objections and requests for documents and amendments have been resolved prior to the hearing. The hearing on the Trustee's objection to confirmation and motion to dismiss or convert shall be held on:

April 14, 2022 at 9:30 a.m.

Parties should contact Judge Connelly's courtroom deputies at
VAWBml_Connelly_Scheduling@vawb.uscourts.gov
to obtain video access instructions and Zoom access information

1. The Trustee requests the Debtor to provide the following documents, or file with the Court the following amendments and pleadings, at least ten (10) days before the hearing noticed herein, to assist in resolving the Trustee's objections:

Documents - Assets

- Proof that an automatic payment process for future mortgage payments has been put into place. Arrears are: \$13,282

Documents - Income

- Please provide documentation of the following to the trustee for review: -- \$1,500/mo for mother's home health care
- A copy of the Debtor's most recently filed federal income tax return pursuant to 11 U.S.C. Section 521(e)(2), or provide the Trustee with an affidavit that the Debtor(s) do not need to file taxes for such year. 2021.

Documents - Other

- File a pre-confirmation affidavit from Debtor(s), or other appropriate evidence to satisfy matters addressed in the affidavit.

Pleadings

- Submit a wage order or establish automatic and recurring TFS account for plan payments.

2. The Trustee objects to confirmation of the plan and requests that the Plan be amended to address the following issues:

Amend Plan or Suggest Confirmation Order Language

- Amend the plan to provide for the priority claim #1, or object to the claim, filed by IRS for \$20,345.41 (UNFILED 2013, 2015, 2016, 2017, 2019, 2020, 2021)
- Amend the plan to clarify that the chapter 7 test figure in Part 5.1 is \$6,378.

Objections

- The Plan does not meet the Chapter 7 liquidation test pursuant to 11 U.S.C. Section 1325(a)(4). Trustee to review tax refund for 2021.

- The Debtor fails to provide that all of the disposable income in the commitment period will be applied to plan payments pursuant to 11 U.S.C. Section 1325(b)(1)(B). Trustee to review proof of expenses.
 - The Debtor has not filed all applicable Federal, State, and local tax returns pursuant to 11 U.S.C. Section 1308 and 1325(a)(9). Years not filed: 2015-2021.
3. The Trustee prays that any confirmation order entered in this case shall include the following other provisions:
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4. The Trustee shall ask for dismissal or conversion of the case if the Debtor does not timely commence making Plan payments at the rate and in the amounts stated in their Plan. If the Plan calls for payments through an automatic wage deduction from an employer, the Debtor must make payments directly to the Trustee until the wage deduction takes effect.

WHEREFORE, your Trustee requests that the Court dismiss or convert this case if the Debtor(s) fail to do any of the following: (i) resolve the objections noticed herein, (ii) provide the requested modifications, documents, amendments, and/or actions; (iii) appear at the original or adjourned Meeting of Creditors; (iv) remain current in Plan payments; or (v) file a confirmable Plan.

Dated: March 08, 2022

/s/ ANGELA SCOLFORO

Angela Scolforo
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CERTIFICATE OF SERVICE

I certify that a true copy of this Trustee's Request for Documents and Amendments, Objection to Confirmation, and Motion to Dismiss or Convert was served by first class mail, postage paid, upon the Debtor and served electronically upon the Debtor's counsel on March 08, 2022.

/s/ ANGELA SCOLFORO

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